**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.204 OF 2008**

**IN**

**REVIEW PETITION (ST) NO.7302 OF 2007**

**IN**

**WRIT PETITION NO.7088 OF 2003**

Shri C.D. Patil ...Applicant

v/s

The State of Maharashtra and ors. ...Respondents

Mr Vijay Gharat for Applicant.

Mr A.I.I. Patel, AGP for Respondent No.1.

**CORAM : D.K. DESHMUKH AND V.M. KANADE JJ.**

**DATE : 12TH FEBRUARY 2008.**

P.C. :-

1. This civil application has been taken out by the applicant for condonation of delay in filing review petition. The delay is of 2 years and 335 days. The order of which review is sought is dated 8th April 2004. By that order, the writ petition filed by the petitioner has been dismissed on the ground that though earlier petition was withdrawn with liberty to approach the Debt Recovery Tribunal, the petitioner approached the Court again without approaching the D.R.T. The order appears to have been passed in the absence of lawyer. The learned counsel appearing for applicant is not in a position to point out that after withdrawing the petition on 30th January 2003, on what date the application was made, what was the relief sought, even a copy of that application is not produced. In short, the learned counsel is not in a position to substantiate on which ground the review is sought. So far as the aspect of delay is concerned, the application to recall the order was made two years after the order was passed. No explanation is given by the learned counsel as to why he took two years to make the application for recall of the order. The learned counsel remained absent for personal difficulty, it was not necessary to wait for the client,

he could have himself made the application for recall of the order. In our opinion, taking overall view of the matter, we do not see that interest of justice will be subserved by condoning the delay. The application is disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary of the Court.

. Certified copy expedited.

( D.K. DESHMUKH J.)

( V.M. KANADE J.)